

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALAN H. JEFFRIES, a single person, and  
BENNIE JEFFRIES IV, a single person,

Plaintiffs,

vs.

MICHAEL WATERS, an individual, and  
MICHAEL WATERS and JANE DOE  
WATERS, a marital community; and the CITY  
OF SEATTLE, a Washington municipal  
corporation,

Defendants.

)  
)  
)  
) No. 11-CV-01434-RSL  
)  
) DEFENDANTS MICHAEL WATERS  
) AND THE CITY OF SEATTLE'S  
) ANSWER TO THE COMPLAINT  
)  
) JURY TRIAL DEMANDED  
)  
) [Clerk's Action Required]

COMES NOW defendants City of Seattle and Michael Waters, by and through their attorneys of record, Peter S. Holmes, Seattle City Attorney, Brian G. Maxey, Assistant City Attorney, Dominique L. Jinhong, Assistant City Attorney, and hereby submit their Answer and Affirmative Defenses to Plaintiff's Complaint, and alleges as follows:

**PARTIES, JURISDICTION, VENUE**

1. Answering paragraph 1 of the Complaint, defendants lack sufficient knowledge as to form a belief as to the truth or falsity of the allegations in this paragraph and therefore deny the

1 same.

2 2. Answering paragraph 2 of the Complaint, Defendants admit that Michael Waters is a Seattle  
3 Police Officer. Defendants deny that Officer Waters resides in King County.

4 3. Answering paragraph 3 of the Complaint, Defendants admit the allegations therein.

5 4. Answering paragraph 4 of the Complaint, Defendants admit that plaintiffs have filed notices  
6 of claim with the City and that sixty days has passed since the notices were filed.

7 5. Answering paragraph 5 of the Complaint, Defendants admit that jurisdiction is proper.

8 **FACTS**

9 6. Answering paragraph 6 of the Complaint, Defendants deny all allegations contained therein.

10 7. Answering paragraph 7 of the Complaint, Defendants admit that Officer Waters was  
11 acquainted with Bennie Jeffries prior to August 22, 2009, but deny the remainder of this  
12 paragraph.

13 8. Answering paragraph 8 of the Complaint, Defendants deny the allegations contained  
14 therein.

15 9. Answering paragraph 9 of the Complaint, Defendants admit that Officer Waters had spoken  
16 with Bennie Jeffries at Chelan's, admit that Officer Waters arrested Alan Jeffries previously  
17 on a warrant, but deny the remainder of this paragraph, including all subparts.

18 10. Answering paragraph 10 of the Complaint, Defendants deny the allegations therein.

19 11. Answering paragraph 11 of the Complaint, Defendants lack sufficient information as to  
20 what the listed individuals saw or believe they saw and therefore deny the allegations in this  
21 paragraph.

22 12. Answering paragraph 12 of the Complaint, Defendants deny the allegations therein.

23 13. Answering paragraph 13 of the Complaint, Defendants deny the allegations therein

1 14. Answering paragraph 14 of the Complaint, Defendants deny the allegations therein.

2 15. Answering paragraph 15 of the Complaint, Defendants deny the allegations therein.

3 16. Answering paragraph 16 of the Complaint, Defendants deny the allegations therein.

4 17. Answering paragraph 17 of the Complaint, Defendants deny the allegations therein.

5 18. Answering paragraph 18 of the Complaint, Defendants deny the allegations therein.

6 19. Answering paragraph 19 of the Complaint, Defendants admit that Officer Waters had seen  
7 and studied the description and still shots from bank surveillance video of two armed bank  
8 robbers.

9 20. Answering paragraph 20 of the Complaint, Defendants deny that Officer Waters was  
10 acquainted with Alan Jeffries, but admit that Officer Waters did not claim that the bank  
11 robbers resembled Bennie Jeffries when he first saw the bulletins.

12 21. Answering paragraph 21 of the Complaint, Defendants deny the allegations therein.

13 22. Answering paragraph 22 of the Complaint, Defendants admit that had Officer Waters  
14 believed the bulletins resembled Bennie Jeffries, his position as a police officer would  
15 require him to investigate and/or report, but deny the remainder of allegations therein.

16 23. Answering paragraph 23 of the Complaint, Defendants admit the allegations therein.

17 24. Answering paragraph 24 of the Complaint, Defendants lack sufficient knowledge as to form  
18 a belief as to the truth or falsity of the allegations in this paragraph and therefore deny the  
19 same.

20 25. Answering paragraph 25 of the Complaint, Defendants admit that a patrol car passed the  
21 Jeffries' van and turned back to the van.

22 26. Answering paragraph 26 of the Complaint, Defendants lack sufficient knowledge as to form  
23 a belief as to the truth or falsity of the allegations in this paragraph and therefore deny the

1 same.

2 27. Answering paragraph 27 of the Complaint, Defendants deny the allegations therein.

3 28. Answering paragraph 28 of the Complaint, Defendants deny the allegations therein.

4 29. Answering paragraph 29 of the Complaint, Defendants deny that Officer Waters and his  
5 partner immediately drew their guns upon getting out of the car, but admit that their guns  
6 were drawn a later time.

7 30. Answering paragraph 30 of the Complaint, the allegations contained therein are conclusions  
8 of law, not averments of fact warranting a response. To the degree any response is  
9 warranted, Defendants deny the same.

10 31. Answering paragraph 31 of the Complaint, Defendants deny the allegations therein.

11 32. Answering paragraph 32 of the Complaint, Defendants admit that Officer Waters believed  
12 Alan Jeffries resembled a bank robber, but deny the remainder of the allegations therein.

13 33. Answering paragraph 33 of the Complaint, Defendants deny the allegations therein.

14 34. Answering paragraph 34 of the Complaint, Defendants deny the allegations therein.

15 35. Answering paragraph 35 of the Complaint, Defendants admit that Officer Waters ordered  
16 Alan Jeffries to the ground, but Defendants deny the remainder of allegations therein.  
17 Defendants affirmatively allege that plaintiff did not get on the ground and on September 9,  
18 2009, explained his reasons for not doing so in a statement to SPD: "I'm not just the lay on  
19 the ground type of guy."

20 36. Answering paragraph 36 of the Complaint, Defendants admit that Alan Jeffries was ordered  
21 to walk backwards, but deny the remainder of allegations therein.

22 37. Answering paragraph 37 of the Complaint, Defendants lack sufficient knowledge as to form  
23 a belief as to the truth or falsity of the allegations in this paragraph and therefore deny the

1 same.

2 38. Answering paragraph 38 of the Complaint, Defendants deny the allegations therein.

3 39. Answering paragraph 39 of the Complaint, Defendants deny the allegations therein.

4 40. Answering paragraph 40 of the Complaint, Defendants deny the allegations therein.

5 41. Answering paragraph 41 of the Complaint, Defendants deny the allegations therein.

6 42. Answering paragraph 42 of the Complaint, Defendants deny the allegations therein.

7 43. Answering paragraph 43 of the Complaint, Defendants deny the allegations therein.

8 44. Answering paragraph 44 of the Complaint, Defendants deny the allegations therein.

9 45. Answering paragraph 45 of the Complaint, Defendants deny the allegations therein.

10 46. Answering paragraph 46 of the Complaint, Defendants deny the allegations therein.

11 47. Answering paragraph 47 of the Complaint, Defendants deny the allegations therein.

12 48. Answering paragraph 48 of the Complaint, Defendants admit there is video made by an  
13 arriving unit, but lack sufficient knowledge as to form a belief as to the truth or falsity of the  
14 remainder of allegations in this paragraph and therefore deny the same.

15 49. Answering paragraph 49 of the Complaint, Defendants deny the allegations therein.

16 50. Answering paragraph 50 of the Complaint, Defendants deny the allegations therein.

17 51. Answering paragraph 51 of the Complaint, Defendants deny the allegations therein.

18 52. Answering paragraph 52 of the Complaint, Defendants deny the allegations therein.

19 53. Answering paragraph 53 of the Complaint, Defendants deny the allegations therein.

20 54. Answering paragraph 54 of the Complaint, Defendants deny the allegations therein.

21 55. Answering paragraph 55 of the Complaint, Defendants deny the allegations therein.

22 56. Answering paragraph 56 of the Complaint, Defendants deny the allegations therein.

23 57. Answering paragraph 57 of the Complaint, Defendants deny the allegations therein.

1 58. Answering paragraph 58 of the Complaint, Defendants admit that Alan Jeffries was charged  
2 with obstruction, but defendants deny the remainder of allegations therein.

3 59. Answering paragraph 59 of the Complaint, Defendants admit that the charges against Alan  
4 Jeffries were dismissed. The remainder of the allegations in this paragraph are conclusions  
5 of law, not averments of fact warranting a response. To the degree any response is  
6 warranted, defendants deny the same.

7 60. Answering paragraph 60 of the Complaint, Defendants admit that Officer Waters was not  
8 present at the final hearing when the charges were dropped.

9 61. Answering paragraph 61 of the Complaint, Defendants deny the allegations therein.

10 62. Answering paragraph 62 of the Complaint, Defendants lack sufficient knowledge as to form  
11 a belief as to the truth or falsity of the allegations in this paragraph and therefore deny the  
12 same.

13 63. Answering paragraph 63 of the Complaint, Defendants deny the allegations therein.

14 64. Answering paragraph 64 of the Complaint, Defendants admit the allegations therein.

15 65. Answering paragraph 65 of the Complaint, Defendants deny the allegations therein.

16 66. Answering paragraph 66 of the Complaint, the allegations contained therein are conclusions  
17 of law, not averments of fact warranting a response. To the degree any response is  
18 warranted, Defendants deny the same.

19 67. Answering paragraph 67 of the Complaint, Defendants deny the allegations therein.

20 68. Answering paragraph 68 of the Complaint, Defendants admit that Bennie Jeffries was  
21 ordered out of the van and handcuffed, but deny that was done by Officer Waters.

22 69. Answering paragraph 69 of the Complaint, Defendants deny the allegations therein.

23 70. Answering paragraph 70 of the Complaint, Defendants admit that the van was searched for

1 additional people or weapons in plain view.

2 71. Answering paragraph 71 of the Complaint, the allegations contained therein are conclusions  
3 of law, not averments of fact warranting a response. To the degree any response is  
4 warranted, Defendants deny the same.

5 72. Answering paragraph 72 of the Complaint, Defendants deny the allegations therein.

6 73. Answering paragraph 73 of the Complaint, Defendants admit that Officer Waters said, in  
7 sum and substance, “why didn’t you say it was you?” to Bennie and admit that Officer  
8 Waters had recognized Bennie by that time. Defendants deny the remainder of allegations  
9 therein.

10 74. Answering paragraph 74 of the Complaint, Defendants deny the allegations therein.

11 75. Answering paragraph 75 of the Complaint, Defendants admit that the van was taken by tow  
12 truck, but deny the remainder of allegations therein.

13 76. Answering paragraph 76 of the Complaint, Defendants lack sufficient knowledge as to form  
14 a belief as to the truth or falsity of the allegations in this paragraph and therefore deny the  
15 same.

16 77. Answering paragraph 77 of the Complaint, Defendants deny the allegations therein.

17 78. Answering paragraph 78 of the Complaint, Defendants deny the allegations therein.

18 79. Answering paragraph 79 of the Complaint, Defendants deny the allegations therein.

19 80. Answering paragraph 80 of the Complaint, Defendants deny the allegations therein.

20 81. Answering paragraph 81 of the Complaint, Defendants deny the allegations therein.

21 82. Answering paragraph 82 of the Complaint, Defendants deny the allegations therein.

22 83. Answering paragraph 83 of the Complaint, Defendants deny the allegations therein.

23 84. Answering paragraph 84 of the Complaint, Defendants deny the allegations therein.

85. Answering paragraph 85 of the Complaint, Defendants deny the allegations therein.

86. Answering paragraph 86 of the Complaint, Defendants deny the allegations therein.

87. Answering paragraph 87 of the Complaint, Defendants admit the allegations therein.

88. Answering paragraph 88 of the Complaint, Defendants deny the allegations therein.

89. Answering paragraph 89 of the Complaint, Defendants deny the allegations therein.

90. Answering paragraph 90 of the Complaint, Defendants deny the allegations therein.

91. Answering paragraph 91 of the Complaint, Defendants deny the allegations therein.

92. Answering paragraph 92 of the Complaint, Defendants deny the allegations therein.

93. Answering paragraph 93 of the Complaint, Defendants deny the allegations therein.

94. Answering paragraph 94 of the Complaint, Defendants deny the allegations therein.

95. Answering paragraph 95 of the Complaint, Defendants admit that another unit made a video recording of some of the incident.

96. Answering paragraph 96 of the Complaint, Defendants admit that Officer Waters indicated on his report that he had no video recording of the incident.

97. Answering paragraph 97 of the Complaint, Defendants deny the allegations therein.

98. Answering paragraph 98 of the Complaint, Defendants deny the allegations therein.

99. Answering paragraph 99 of the Complaint, Defendants deny the allegations therein.

#### LEGAL CLAIMS

100. Answering paragraph 100 *et seq.* of the Complaint, Defendants incorporate their prior answers to all other allegations.

101. Answering paragraph 101 of the Complaint, Defendants deny the allegations therein.

102. Answering paragraph 102 of the Complaint, Defendants deny the allegations therein.

103. Answering paragraph 103 of the Complaint, Defendants deny the allegations therein.



1 104. Answering paragraph 104 of the Complaint, Defendants deny the allegations therein.

2 105. Answering paragraph 105 of the Complaint, Defendants deny the allegations therein.

3 106. Answering paragraph 106 of the Complaint, Defendants deny the allegations therein.

4 107. Answering paragraph 107 of the Complaint, the allegations contained therein are  
5 conclusions of law, not averments of fact warranting a response. To the degree any  
6 response is required, Defendants deny the same.

7 108. Answering paragraph 108 of the Complaint, Defendants deny the allegations therein.

8 109. Answering paragraph 109 of the Complaint, Defendants deny the allegations therein.

9 110. Answering paragraph 110 of the Complaint, Defendants deny the allegations therein.

10 111. Answering paragraph 111 of the Complaint, Defendants deny the allegations therein.

11 112. Answering paragraph 112 of the Complaint, Defendants deny the allegations therein.

12 113. Answering paragraph 113 of the Complaint, Defendants deny the allegations therein.

13 114. Answering paragraph 114 of the Complaint, Defendants deny the allegations therein.

14 115. Answering paragraph 115 of the Complaint, Defendants deny the allegations therein.

15 116. Answering paragraph 116 of the Complaint, Defendants deny the allegations therein.

16 117. Answering paragraph 117 of the Complaint, Defendants deny the allegations therein.

17 118. Answering paragraph 118 of the Complaint, Defendants deny the allegations therein.

18 119. Answering paragraph 119 of the Complaint, Defendants deny the allegations therein.

19 120. Answering paragraph 120 of the Complaint, Defendants deny the allegations therein.

20 121. Answering paragraph 121 of the Complaint, Defendants deny the allegations therein.

21 122. Answering paragraph 122 of the Complaint, the allegations contained therein are  
22 conclusions of law, not averments of fact warranting a response. To the degree any  
23 response is required, Defendants deny the same.

1 123. Answering paragraph 123 of the Complaint, Defendants admit the allegations therein.

2 124. Answering paragraph 124 of the Complaint, Defendants deny the allegations therein.

3 125. Answering paragraph 125 of the Complaint, Defendants deny the allegations therein.

4 126. Answering paragraph 126 of the Complaint, Defendants deny the allegations therein.

5 127. Answering paragraph 127 of the Complaint, Defendants deny the allegations therein.

6 128. Answering paragraph 128 of the Complaint, Defendants deny the allegations therein.

7 129. Answering paragraph 129 of the Complaint, Defendants deny the allegations therein.

8 130. Answering paragraph 130 of the Complaint, Defendants deny the allegations therein.

9 131. Answering paragraph 131 of the Complaint, Defendants deny the allegations therein.

10 132. Answering paragraph 132 of the Complaint, Defendants deny the allegations therein.

11 133. Answering paragraph 133 of the Complaint, Defendants deny the allegations therein.

12 134. Answering paragraph 134 of the Complaint, Defendants deny the allegations therein.

13 135. Answering paragraph 135 of the Complaint, Defendants deny the allegations therein.

14 136. Answering paragraph 136 of the Complaint, Defendants deny the allegations therein.

15 137. Answering paragraph 137 of the Complaint, Defendants, without admitting that Officer  
16 Waters should have been disciplined in any way, admit the allegations therein.

17 138. Answering paragraph 138 of the Complaint, Defendants deny the allegations therein.

18 **PRAYER FOR RELIEF**

19 139. Defendants deny that Plaintiffs are entitled to any of the relief requested in the “Prayer for  
20 Relief” section, including compensatory damages, attorney’s fees and other relief, and  
21 including subparts 1-6.

22 **AFFIRMATIVE DEFENSES**

23 1. Plaintiffs have failed to state a claim upon which relief may be granted.

2. The City, a municipal corporation, is immune from liability for prejudgment interest on tort judgments and is immune from punitive damages.
3. Defendants have not violated any rights, privileges or immunities under the Constitution or laws of the United States or the State of Washington or any political subdivision thereof.
4. At all times relevant to the acts alleged in the complaint, the duties and functions of Defendant City's officials entailed the reasonable exercise of proper and lawful discretion.
5. Plaintiffs' State law claims are barred in whole, or in part, by governmental immunity for discretionary, policy-making and/or judgmental functions and decisions.
6. Any injury alleged to have been sustained resulted from Plaintiffs' own culpable or negligent conduct or that of third parties and was not the proximate result of any act of the Defendants.
7. There was reasonable suspicion to detain and investigate Bennie Jeffries.
8. There was reasonable suspicion to detain and investigate, and probable cause to arrest and prosecute, Alan Jeffries
9. Any force used by Defendants against Plaintiffs was reasonable.
10. Officer Waters is entitled to qualified immunity.

**JURY TRIAL DEMAND**

Defendants respectfully demand a trial by jury of all issues so triable.

WHEREFORE, defendants respectfully request that the Complaint be dismissed with prejudice, that they be awarded costs and reasonable attorneys' fees herein, and that they be granted such other and further relief as the Court finds just and equitable.

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1 DATED this 13th day of September, 2011.

2 PETER S. HOLMES  
3 Seattle City Attorney

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5 s/Dominiqué L. Jinhong  
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17 Attorneys for Defendants City of Seattle and Police  
18 Officer Michael Waters  
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